



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

PUBLIC MEETING MINUTES:	DELAWARE GAMING CONTROL BOARD
MEETING DATE AND TIME:	Thursday, December 3, 2009 at 1:00 p.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room B, second floor of the Cannon Building
MINUTES APPROVED:	January 7, 2010

MEMBERS PRESENT

Deborah Messina, Chair, Public Member
James Greene, Vice-Chairman, DE Volunteer Fireman's Association Member
Brad Barrie, Public Member
Scott Angelucci, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

James Collins, Director, Division of Professional Regulation
Kay Warren, Deputy Director, Division of Professional Regulation
Robert Willard, Deputy Attorney General
Renee' Holt, Administrative Specialist II

MEMBERS ABSENT

Sharon McDowell, Public Member

ALSO PRESENT

John A. Denver – TripKings
Jennifer Eachus – TripKings
Brian Glancy (sp?) – Attorney
Theodore Schafer – KWVA Chapter 3 Rep.
Ken Steele
Aaron Hemphill – Charitable Games of Delaware
Chip Thompson – Charitable Games of Delaware
Jay Gonzalez – The Poker Club
Steve Boyd – The Poker Club
Mitch King – The Poker Club
Darius Brewington

CALL TO ORDER

Ms. Messina called the meeting to order at 1:05 pm.

REVIEW OF MINUTES

The Board reviewed the minutes of the meeting held on November 5, 2009. Mr. Greene made a motion, seconded by Mr. Barrie to approve the minutes as presented. The motion was unanimously carried.

Mr. Greene made a motion to table the workshop minutes seconded by Mr. Barrie. The motion was unanimously approved.

Rules and Regulations Hearing

Mr. Willard reviewed the changes that were proposed. Mr. Willard confirmed with Ms. Holt that no written comments were received by the deadline of December 1, 2009.

Ms. Warren entered the meeting at 1:08 p.m.

Mr. Greene made a motion to accept the changes, seconded by Mr. Barrie. The motion was unanimously approved.

UNFINISHED BUSINESS

Third Party Vendor Business Licenses –

Ms. Messina addressed the Third party vendors in the room. Ms. Messina reaffirmed the vendors all have their valid business licenses submitted. Ms. Messina addressed TripKings regarding the temporary license on file. Mr. Denver informed the Board that TripKings brought the business license and requested a copy be made for the Board. Ms. Messina requested Ms. Holt make a copy for the Board.

NEW BUSINESS

Mr. Greene made a motion to enter Executive Session at 1:11 p.m.

The Board reviewed the applications for Individual Texas Hold'Em Licenses.

Martin A. Morris – Mr. Angelucci made a motion, seconded by Mr. Barrie to accept the Investigative Report and approve Martin A. Morris for licensure. The motion was unanimously approved.

Brenda A. White – Mr. Angelucci made a motion, seconded by Mr. Barrie to accept the Investigative Report and approve Brenda A. White for licensure. The motion was unanimously approved.

Darius Brewington – Mr. Angelucci made a motion, seconded by Mr. Barrie to accept the Investigative Report and approve Darius Brewington for licensure. The motion was unanimously approved.

John A. Denver – Mr. Greene made a motion to deny. Mr. Angelucci seconded the motion. After further discussion and counsel from Mr. Willard, the motion failed with a vote of three opposed with Mr. Greene in favor. Mr. Barrie made a motion to accept the Investigative Report and approve John A. Denver for licensure. The motion was approved with three voting in favor, and Mr. Greene opposed.

Michelle Eachus - Mr. Angelucci made a motion, seconded by Mr. Barrie to accept the Investigative Report and approve Michelle Eachus for licensure. The motion was unanimously approved.

Matthew Hardy - Mr. Angelucci made a motion, seconded by Mr. Barrie to accept the Investigative Report and approve Matthew Hardy for licensure. The motion was unanimously approved.

William Gilman - Mr. Angelucci made a motion, seconded by Mr. Barrie to accept the Investigative Report and approve William Gilman for licensure. The motion was unanimously approved.

Elizabeth Beasten - Mr. Angelucci made a motion, seconded by Mr. Barrie to accept the Investigative Report and approve Elizabeth Beasten for licensure. The motion was unanimously approved.

Patricia Godwin – Mr. Angelucci made a motion, seconded by Mr. Barrie to accept the Investigative Report and approve Patricia Godwin for licensure. The motion was unanimously approved.

Adjournment of Executive Session – Mr. Barrie made a motion to adjourn Executive Session, seconded by Mr. Greene at 1:31p.m. The motion was unanimously approved.

Ms. Messina announced the applications for Martin A. Morris, Brenda A. White, Darius Brewington, John A. Denver, Michelle Eachus, Matthew Hardy, William Gilman, Elizabeth Beasten, and Patricia Godwin were approved.

Chairman's Report –

Ms. Messina thanked all the vendors who attended the Board workshop on November 24, 2009. Ms. Messina expressed her disappointment at not seeing any charitable groups represented. Ms. Messina suggested the vendors remind the groups who employ them to stay abreast of changes that will effect their operations since there are penalties in place for both the vendors and non profit organizations that will be enforced.

Ms. Messina confirmed the Board received a few written items at the workshop and the Board will take a couple of them under advisement.

Ms. Messina clarified the applications belong to the non-profit groups. Ms. Messina expressed the desire to have everybody to be on the same page and stressed that the third party vendors be honest with the non-profit groups. Ms. Messina made it clear that if she sees complaints, she won't be sympathetic.

Ms. Messina then addressed it has come to her attention that some third party vendors are reviewing the rules and regulations and statues and believe they are finding loop holes to blatantly do things the Board and the Legislature had no intention of allowing. Ms. Messina made it clear that if a third party vendor chooses to press an issue, the Board will stand firm. Ms. Messina stated, "If we have to rewrite every single rule so a kindergartner can understand it that's what I'm going to do."

Review of Application for Texas Hold 'Em Tournament(s)

Ms. Messina explained to the public how the agenda is organized.

Ms. Messina made a motion to add to the licensure list on page 6, Big Brothers Big Sisters, Delaware Technical and Community College, and Dover Lioness Club. Mr. Angelucci seconded the motion. The motion was unanimously approved.

Diamond State Post #2863 - Ms. Messina reviewed the application. Ms. Messina asked TripKings (Mr. Denver) to guarantee the tournament room and gaming room are completely separate. Mr. Denver confirmed the location is designed to have a separate tournament room separated by a dry wall (permanent wall) and the Charitable Gambling has its own room. Ms. Messina clarified that the 19 and 20 year olds do not have to walk

through the tournament room to get to the Charitable Gambling. Mr. Denver confirmed they are separate rooms.

Colonial Post #838 VFW Men's Auxiliary - Mr. Greene asked Mr. Willard if the organizations had to have their own bylaws. Mr. Greene questioned that there is nothing stating they adopted the national bylaws as their bylaws. Mr. Willard confirmed this is ok if they adopt them as their bylaws.

Ms. Warren left the meeting at 1:47pm.

Ms. Messina called for a motion to accept the applications for Texas Hold'em Tournaments for: *Diamond State Post #2863, American Cancer Society, Colonial Post #838, Colonial Post #838 Men's Auxiliary, Claymont Business Owner's Association, Claymont Renaissance Development Corporation, and Edgemoor Community Center*. Mr. Barrie made a motion, seconded by Mr. Angelucci to accept the applications for Texas Hold'em Tournaments submitted by the named organizations. The motion was unanimously approved.

Review of Charitable Gambling Event Application(s) –

Brandywine Chapter 9 Royal Arch Masons - Mr. Angelucci made a motion, seconded by Mr. Barrie to approve contingent upon receiving the letter authorizing the use of the facility. The motion was unanimously approved.

Mr. Barrie made a motion, seconded by Mr. Angelucci to approve the application for *Delaware Storm Travel Teams Inc.* The motion was unanimously approved.

Moms Club Pike Creek – Mr. Angelucci made a motion, seconded by Mr. Barrie to approve the application contingent upon receipt of a past After Occasion Report. The motion was unanimously approved.

Mr. Angelucci made a motion, seconded by Mr. Barrie to approve the applications for: *Delaware Association for the Education of Young Children, Delaware Center for the Inland Bays, Inc., and Diamond State #2863 VFW*. The motion was unanimously approved.

Delaware SPCA Sussex Chapter – Mr. Barrie made a motion, seconded by Mr. Angelucci to approve the application contingent upon receipt of a past After Occasion Report. The motion was unanimously approved.

Mr. Angelucci made a motion, seconded by Mr. Barrie to approve the applications for: *Colonial Post 838 VFW Men's Auxiliary, Colonial Post 838 VFW, Colonial Post 838 Ladies Auxiliary, Angels Softball, and American Cancer Society*. The motion was unanimously approved.

Bear Hugs for Babies – Mr. Angelucci made a motion, seconded by Mr. Barrie to approve the application contingent upon receiving the statement of explanation of why the event was not being held on site. The motion was unanimously approved.

Mr. Barrie made a motion, seconded by Mr. Angelucci to approve the applications for: *Claymont Business Owner's Association, Claymont Moose #847, Claymont Renaissance Dev. Corp, Lt. J Allison O'Daniel VFW Post 475, Lt. J. Allison O'Daniel American Legion Post 10, Rehoboth Beach Main Street, National MS Society, Ki-Yi Puptent No.1, and New Knollwood Civic Association*. The motion was unanimously approved.

High Noon AF & AM Lodge 38 – Mr. Greene made a motion, seconded by Mr. Angelucci to propose to deny the application due to missing After Occasion Report and a statement of why the event was not being held on site. The motion was unanimously approved.

Mr. Angelucci made a motion, seconded by Mr. Barrie to approve the applications for: *Hall-Burke VFW Post 5447 Ladies Auxiliary, Hall-Burke VFW Post 5447, Georgetown-Ellendale VFW Post 2931, and Felton High School Alumni Association*. The motion was unanimously approved.

Mr. Barrie made a motion, seconded by Mr. Angelucci to approve the applications for: *Frederica VFC, First State Force, Edgemoor Community Center, United Cerebral Palsy of DE, Upper Bay Counseling and Support Services, Thomas Cooper VFW Post 475 Ladies Auxiliary, and Sellers Senior Center*. The motion was unanimously approved.

Trinity Commandery No. 3 – Mr. Greene made a motion, seconded by Mr. Angelucci to propose to deny the application for missing IRS determination letter, by-laws, and letter authorizing the use of the facility. The motion was unanimously approved.

Review of Bingo Event Application(s)

Bowers Fire Company, Inc – Missing 2 After Occasion Reports – Mr. Greene made a motion, seconded by Mr. Angelucci to approve the application contingent upon receipt of the missing After Occasion Reports. The motion was unanimously approved.

Oak Orchard Riverdale #28 – Missing 3 After Occasion Reports – Mr. Greene made a motion, seconded by Mr. Barrie to approve the application contingent upon receipt of the missing After Occasion Reports. The motion was unanimously approved.

Walter L. Fox American Legion Post – Missing 1 After Occasion Report - Mr. Greene made a motion, seconded by Mr. Barrie to approve the application contingent upon receipt of the missing After Occasion Report. The motion was unanimously approved.

Camden Wyoming Fire Company – Missing 1 After Occasion Report – Ms. Messina made a motion, seconded by Mr. Angelucci to approve the application contingent upon receipt of the missing After Occasion Report. The motion was unanimously approved.

Talleyville Fire Company Ladies Auxiliary – Mr. Greene made a motion, seconded by Mr. Angelucci to approve the application contingent upon receipt of a copy of the organization's by-laws and IRS determination letter. The motion was unanimously approved.

Review of Raffle Application(s) –

Fraternal Order of Police #11 – Mr. Barrie made a motion, seconded by Mr. Angelucci to approve the application. The motion was unanimously approved.

Review of Instant Bingo Application(s) - None

Request to Change Date of Approved Event –

Modern Maturity Center requested to change the date of their event from March 26, 2010 to March 28, 2010 due to a clerical error on the application. Mr. Greene made a motion, seconded by Mr. Barrie to approve the date change request. The motion was unanimously approved.

Approval of Licensure List(s)–

Ms. Messina explained to the public present that this approval is for applications that are considered “clean”, with no outstanding issues. Ms. Messina also clarified that the Board does the approvals in this manner to be more time efficient.

There were no Texas Hold'em Tournament applications or Original Charitable Gambling applications to be approved.

Charitable Gambling Events – Mr. Angelucci read the list. Mr. Angelucci made a motion, seconded by Mr. Barrie to approve the list for: *Capitol City Lions; Police Unity Tour; Lower Delaware Autism; Knights of Columbus #4182; Fraternal Order of Police, Lodge #4; Delaware Veterans Inc Post #2; Debra L. Sipple Memorial Inc.; Disabled American Veterans; Dalmatian Rescue of Delaware, Inc.; Delaware City Fire Company; Delaware Technical & Community College; Dover Lioness Club; Ducks Unlimited Inc.; Blackbird Community Association Inc.; Bowers Fire Company; Big Brothers Big Sisters of Delaware; Ladies of the Elks #1903; Cats Around Town; Children's Beach House; and Camp Rehoboth.* The motion was unanimously approved.

There were no Original Bingo applications to be approved.

Bingo Events – Ms. Messina read the list. Mr. Barrie made a motion, seconded by Mr. Angelucci to approve the list for: *Mill Creek Volunteer Fire Company Ladies Auxiliary, Dover Elks Lodge #1903 and Ladies of the Elks, St. Polycarp Church, Delaware Veterans Inc. Post #2, Cape Henlopen Elks #2540, Friends for Responsible Pet Care, Harrington Fire Company, Harrington Fire Company Ladies Auxiliary, Mamie Warren Senior Center, Lewes Senior Center, and Pot Nets Home Owners Association.* The motion was unanimously approved.

There were no Raffle or Instant Bingo applications to be approved.

Hearings/Consent Agreements – None

Closed Complaints - None

Complaint Updates –

Complaints 22-19-09 and 22-20-09 have been sent to the Attorney General's Office for further review.

Complaint Assignments –

Complaint 22-26-09 was assigned to Mr. Brad Barrie.

Complaint 22-22-09 was assigned to Ms. Sharon McDowell.

After Occasion Reports – None

Delegation of Authority (permits issued) – None

Rules and Regulations Review of Revisions from 11/24/09 Workshop –.

Mr. Willard reviewed the draft comprising changes recommended at the November 24, 2009 workshop. The Board made amendments.

Mr. Collins entered the meeting at 2:30 pm

Mr. Angelucci asked regarding the Raffle for clarification that the organization is not allowed to resell tickets. This was confirmed.

Mr. Green made a motion, seconded by Mr. Angelucci to accept the revisions with the changes suggested. The motion was unanimously approved.

Other Business (for discussion only) – None

Mr. Greene made a comment and apologized.

Public Comment –

Mr. Brian G. and Mitch King greeted the Board. Mr. Brian G. explained they *{his organization}* hope to have a room in Fenwick. Mr. Brian G. mentioned he spoke with Ms. Messina and she was very helpful with his questions. Mr. Brian G. asked if he could ask some questions of the Board on the process of opening a poker room. Mr. Brian G. came forward to address the Board.

Mr. Brian G. – the first question is what is the acceptable rate or the maximum that a third party vendor can charge?

Mr. Willard – You cannot take a percentage of a pot.

Mr. Greene – I misunderstood....

Mr. Brian G. – it could be four, five, six....

Mr. Greene – I'm missing it.....

Mr. Willard – that goes to the charity per hand. We leave it up to the charity.

Mr. Brian G. – is that included in the amount that must be given to the charity? What about offering things like drinks/refreshments: Cokes, candy, food?

Mr. Greene – All the information is reported on the after occasion report. My answer would be no.

Ms. Messina clarified no alcohol is served at Charitable Gambling events.

Mr. Greene clarified the third party fills out no paperwork.

Mr. Brian G. – so basically what happens, we have the event...

Mr. Collins left the meeting at 2:37 pm.

Mr. Brian G. – so basically the...

Mr. Greene – you should have no say.

Mr. Willard – again that has been an issue lately.

Ms. Messina – what we highly suggest you do is go to the *Pro{fessional} Reg{ulation}* website. It is very explanatory. You can print off every PDF for applications, after occasion reports and rules and regs *{regulations}*. It is the responsibility of the organization. You go to professional regulations.

Mr. Willard – it might be a real good suggestion to a third party vendor to call up the Division before you make a mistake and you get in trouble.

Mr. Brian G. – does the organization have to be the national chapter?

Mr. Willard – It has to be a Delaware Organization, you have a national with local organizations.

Mr. Brian G. – I had heard mention of ...business license. You were referring to the approval of the business. Is there any other license?

Mr. Greene – Tournament Director has to have a Dealer's license.

Mr. Greene – you can still have the event, but a licensed dealer has to be the tournament director

Mr. Brian G. – must he be approved separately?

Mr. Greene – you can have 10 people on your staff and any one of them can be appointed as the tournament director.

Ms. Messina - and all that can be found on the website.

Mr. Brian G. – why *{does there have to approval if an event is}* not on site?

Mr. Willard – the general intent is to have the event on the organizations site. So if you don't want to have it on site we want to know why.

Ms. Messina – the Board felt it was in the best interest and every time an event is held off site to know why.

Mr. Brian G. – so basically we have all the charities send these things in?

Mr. Greene – your job as a third party vendor would be so much easier if you would let the organization do all the paperwork. It keeps you out of the middle.

Mr. Willard – the charity might be unsure and you can help them get through it.

Mr. Brian G. – the concern of the third party vendor, *{is just}* the event

Mr. Greene – here's what the board tries to do. We proposed to deny a couple and we passed some on contingent. If there is enough time to submit the documents I don't have a problem to Propose to Deny. We found if you don't do it like that, they keep making the same mistakes over and over again.

Mr. Brian G. – if I have any more questions, I can call?

Ms. Messina again urged the vendors to contact the Division of Professional Regulation or go to the website to get answers and information.

Mr. Denver – On the rule change where you want the charity to handle the money; they are not allowed to designate anyone from the third party vendor to help?

Mr. Willard – if you don't physically have anyone on site...

Mr. Greene – why wouldn't the charity have someone there?

Mr. Denver – there's always supposed to be.

Mr. Greene – you're putting off these events as a fundraiser, not a social call.

Mr. Denver – we are having charities having handicapped persons there. Shouldn't they have the right to designate anyone they want?

Mr. Greene – we are trying to reign in the third party vendors. We talked about this last month. No I don't agree that they can't have someone there.

Ms. Messina – it's in the rules and regulations, not on the application.

Mr. Hemphill clarified.

Mr. Greene – if someone walks by and checks you and if they *{the person handling the money}* aren't a member you *{the third party vendor}* can be in trouble.

Mr. Willard read the proposed change....

Mr. Thompson – can it be any member or it has to be the one named on the application?

Mr. Greene – when all this started, you had one person that was in this in the state. Then the second would come along and they used to travel to the organizations. Now I can count 9. If something comes to me and there's a problem I'm going to deal with it. I'll give you another example: this lady here told me that someone came in here with a whole box of applications. I was thinking about changing it back to 60 days *{application deadline to 60 days prior to the event}*.

Mr. Denver – Sir that was me. I called down and talked to Ms. Heinsch and she said it was ok. In the minutes, you said that third party vendors can deliver them. Do you want me to show you where that was said in past minutes?

Ms. Messina – We're just saying, if you continue do that, you are taking a large chance.

Mr. Greene – your statement here today, and your apologies are the only thing that stopped me from making the motion today.

Mr. Angelucci – You're not the first person bringing things at the last minute.

Ms. Messina – a few months ago I had to bring this up...we had a few that and would bring them in on the last day and expect our staff to review them all on the floor. If the nonprofit wants to leave it in the third parties hands, it's up to them.....

Mr. Greene – since you are new and don't know this...you wait until the last minute, you forfeit your due process.

Mr. Denver – I came in on the tail end of this. The lady that was doing this for my boss just up and left him with everything and I was doing this to help out.

Ms. Messina – I'll explain to you briefly what we do. We come in an hour before the meeting, on our own time, to review with the staff. {Ms. Messina explained the time and efforts involved in the pre-meeting review of the applications and emphasized the issue with waiting until the last day to bring in a high volume of applications and the added burden placed on the staff for initial review prior to the meeting.)

Mr. Denver – Again, I apologize. It won't happen again. That was a one time situation. Merry Christmas and Happy Holidays.

Next Meeting Date

The Board will hold a meeting on January 7, 2010 at 1:00 p.m. in Conference Room B of the Cannon Bldg, 861 Silver Lake Blvd, Dover, Delaware, 19904.

Adjournment

There being no further business before the Board, Mr. Greene made a motion, seconded by Mr. Barrie to adjourn the meeting at 3:01p.m. The motion was unanimously approved.

Respectfully submitted,

A handwritten signature in cursive script that reads "Renee' M. Holt".

Renee' M. Holt
Administrative Specialist II